IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

Bail Appl..No. 7742 of 2007()

CMP.7801/2007 of J.M.F.C.-II,NEDUMANGAD
CRIME NO.238/2007 OF PANGODE POLICE STATION

.....

PETITIONER : ACCUSED

HASSAN ALI, S/O.MUHAMMED KOYA THANGAL,
SULPHIKKA MANZIL, KOCHALUMMOODU, ANAKUDY MURI,
PARIGODE VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS:

STATE OF KERALA REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7742 of 2007

Dated this the 18th day of December, 2007

ORDER

Application for regular bail. Petitioner faces allegations in a crime registered for offences punishable, inter alia, under Sections 468 and 495 I.P.C. The petitioner, a person of the Muslim faith, is alleged to have contracted a marriage with the defacto complainant when he was already married to other women. He allegedly suppressed from the defacto complainant the fact that he had other subsisting marriages at the relevant time. It is further alleged that the petitioner has been indulging in such attempts on a number of previous occasions also. To facilitate commission of such crimes, he is alleged to have forged certificates purportedly issued by the local Mahal Committee to show that the petitioner is not married and is eligible to contract his first marriage. The petitioner was arrested on 20.11.07. Investigation is in progress.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. It is prayed that the petitioner

may now be enlarged on bail subject to appropriate conditions, he having remained in custody for the past about one month.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that some further time may be granted to complete the investigation. Thereafter the petitioner can be released on bail. The State has no objection against such release after giving reasonable time for the investigator to complete the investigation.

4. I am satisfied in the facts and circumstances of this case that the petitioner can now be directed to be released on bail subject to appropriate terms and conditions.

5. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall not be released on the strength of this order prior to 26.12.2007. The Investigators shall in the meantime make every endeavour to complete the investigation;

ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of 2 months from the date of his release and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-